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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,150

03/02/2004

Howard E. Huber JR.

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3033

23646

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07/06/2006

BARNES & THORNBURG

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EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/790,150	HUBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bradley T. King	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11,14-18,20 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11,14-18,20 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The indicated allowability of claims 11, 14-18, 20 and 25-29 is withdrawn in view of the newly discovered reference(s) EP 0168050. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0168050.

EP 0168050 all the limitations of the instant claims including: a bi-directional pump 11 (also note page 6, paragraph 3) having pump apply and pump release ports and an actuator 3 mounted to a manifold; a reservoir 1 mounted to the manifold; the manifold connecting the pump apply and pump release ports, respectively, with the reservoir; a brake cylinder 13 or 45 having a brake apply port and a brake release port in fluid communication with the pump apply port and pump release port, respectively, and a brake piston; and wherein the system further includes a single, common pressure relief valve 15 or 57 configured to allow fluid flow into the reservoir when a system pressure at the pressure relief valve reaches a pre-determined level, thereby limiting

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actuator input force, wherein the pump and the reservoir are mounted directly on the manifold forming an integral unit. See figure 1-3 and 8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 14-18, 20 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1404902 in view of EP 0168050.

GB 1404902 discloses a pump system for parking brakes for a rail vehicle comprising: a bi-directional pump (1) having pump apply and pump release pods (18) and an actuator (1 .1) mounted to a manifold; a reservoir (4) mounted to the manifold; the manifold connecting the pump apply and pump release ports, respectively, with the reservoir; a brake cylinder (7, 8) having a brake apply port and a brake release pod in fluid communication with the pump apply port and pump release pod, respectively, and a brake piston; and wherein the system further includes a single, common pressure relief valve (15) configured to allow fluid flow into the reservoir when a system pressure at the pressure relief valve reaches a pre-determined level, thereby limiting actuator input force. GB 1404902 lacks the specific disclosure of an integral construction. EP 0168050 discloses a similar vehicle hydraulic system and further teaches an integral construction. Note figure 1-2, and page 3. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to utilize a unitary construction such as taught by EP 0168050 for the system of GB 1404902 as an obvious implementation which allows for simplified installation and reduced costs.

Re claim 20, GB 1404902 further lacks the pre-determined level of system pressure being equal to or less than 65 pounds. It would have been an obvious matter of design choice to have provided a pressure level equal to or less than 65 pounds since applicant has not disclosed that such a pressure solves any stated problem or is for any particular purpose and it appears that the system would perform equally well with a variety of predetermined pressures.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BTK

  
JAMES MCCLELLAN  
SUPERVISORY PATENT EXAMINER  
6/29/04